

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Chris Allen Blosser v Parole Board**
Docket No. **289894**
L.C. No. **08-001191-AH**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The "Motion to Stay Order for Filing Fees" is treated as a motion for reconsideration and it is GRANTED. The February 5, 2009 order is VACATED.

The motion to waive fees pursuant to MCR 7.202(4) and 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. However, it is recognized that it is not practically possible to comply on an ongoing basis with both the requirements of federal court orders that in sum require deductions of 60 percent of the monthly deposits to plaintiff's prisoner account and the requirement of MCL 600.2963(5) to deduct 50 percent of such monthly deposits toward the \$375 filing fee in this Court. Further, the federal court orders entered pursuant to a federal statute must take precedence. See *Ammex, Inc v Dep't of Treasury*, 272 Mich App 486, 496-497; 726 NW2d 755 (2006).

Accordingly, plaintiff is not required to pay an initial partial fee. However, for this original action to be filed, **plaintiff shall submit a copy of this order and refile the pleadings within 21 days of the certification of this order.** By doing this, plaintiff becomes responsible for paying the \$375 filing fee. Failure to comply with this order shall result in the original action not being filed in this Court and plaintiff not being responsible for paying the filing fee.

If plaintiff timely refiles the pleadings, the requirement of MCL 600.2963(5) for monthly deductions from plaintiff's prisoner account shall be suspended. No such deduction shall be made by the Department of Corrections while any of the current federal court deductions continue to be made. However, after the federal court filing fees have been fully paid, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of **\$375**. This amount shall then be remitted to this Court. Plaintiff may not file either an original action or a civil appeal until plaintiff pays the entire outstanding balance due even while monthly deductions toward payment of the \$375 filing fee are suspended. MCL 600.2963(8). The Clerk of this Court shall furnish two copies of this order to plaintiff and return plaintiff's pleadings with this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 25 2009

Date

Sandra Schultz Mengel
Chief Clerk